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09/784,954	02/16/2001	Tuomas Niemela	NC22031	4197

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EXAMINER

MEW, KEVIN D

ART UNIT PAPER NUMBER

2616

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/784,954

Applicant(s)

NIEMELA ET AL.

Examiner

Kevin Mew

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13 and 24-28 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*Detailed Action*

*Response to Amendment*

1. Applicant's Remarks/Arguments filed on 1/12/2006 regarding claims 1-3, 5-13 have been fully considered. Claims 1-13, 24-28 are currently pending. Claims 24-28 have been newly added and claims 14-23 have been canceled by applicant.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 25, 27** are rejected under 35 U.S.C. 102(e) as being anticipated by Balazinski et al. (USP 6,711,143).

Regarding claims 1, 25, 27, Balazinski discloses a base station system (**BSS**) and a SGSN (**SGSN**, col. 2, lines 16-26) to perform a method of communicating data between a Base Station System (**BSS**) and a Serving GPRS Support Node (**SGSN**) (**a system for interfacing an SGSN with a BSS utilizing a Gb-over-IP interface**, see lines 52-54, col. 2), the method of communicating comprising the steps of:

means for providing protocol data and associated functions (**protocol stacks in the BSS and SGSN utilized the IP-based Gb interface**), including encapsulating a data packet with a User Datagram Protocol (UDP) and a Internet Protocol (IP) (**protocol stack comprising UDP**

**layer and IP layer**, see lines 1-6, col. 5 and Fig. 3), wherein the UDP comprises a UDP port associated with a Network Service Virtual Connection (NS-VC) (**single UDP port carries NSEI and hence is associated with the NSE and the NS-VC**, see lines 57-63, col. 4 and lines 47-48, col. 5) and, the IP provides an IP address associated with a Network Service Entity (NSE) (**SGSN keeps a relationship between NSEIs and IP addresses internally**, see lines 43-45, col. 7); and

transmitting the data packet provided with the protocol data (**data packets are transmitted between the BSS and SGSN over a connectionless IP network and the data packets carry information between functional entities in the SGSN and functional entities in the BSS**, see lines 22-25, col. 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 2, 5-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Balazinski in view of the admitted prior art, Forslow (WO 99/16266).

Regarding claim 2, Balazinski discloses all the aspects of the claimed invention set forth in the rejection of claim 1 above, except fails to explicitly show the method of communicating as recited in claim 1, wherein the UDP port is identified as either for real-time or non-real time services.

However, Forslow discloses UDP protocol is paired up with RTP (Real-Time) protocol for providing real-time services (see Fig. 7). Furthermore, UDP is a connectionless protocol with no guarantee delivery of services, which makes it suitable for providing non real-time services.

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the protocol stack of Balazinski with that of Forslow such that the single UDP port of Balazinski will pair up with RTP protocol of Forslow so that it will support both real-time and non real-time services such as the RTP/UDP protocol taught by Forslow. The motivation to do so is to support multimedia services such as real-time video and audio services and non real-time applications such as file transfer because a circuit-switched bearer will be allocated if the a real-time service and a packet-switched bearer will be allocated for a non-real time service.

Regarding claim 5, Balazinski discloses all the aspects of the claimed invention set forth in the rejection of claim 1 above, except fails to explicitly show the method of communicating data as recited in claim 1, wherein the data packet comprises a Sub-network Dependent Convergence Protocol (SND CP).

However, Forslow discloses a method of communications between the mobile station and the SGSN in which the SGSN comprises a SND CP layer on top of the LLC layer in the protocol stack as shown in Fig. 3.

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to combine the protocol stack of Balazinski with the protocol stack of

Forslow such that the protocol stack of Balazinski will comprise a SNDCP layer lying on top of the LLC layer such as the SNDCP layer taught by Forslow. The motivation to do so is to use SNDCP to map network level protocol characteristics onto the underlying LLC and provides functionalities like multiplexing of network layer messages onto a single virtual logical connection, ciphering, segmentation, and compression.

Regarding claim 6, Balazinski and Forslow disclose all the aspects of the claimed invention set forth in the rejection of claim 5 above. Balazinski further discloses the method of communicating data as recited in claim 5, wherein the data packet further comprise a Logical Link Control (LLC) (**LLC**, see lines 1-14, col. 5 and element 18, Fig. 3).

Regarding claim 7, Balazinski discloses the method of communicating data as recited in claim 6, wherein the protocol data and associated functions further comprise:

a Base Station System GPRS Protocol (BSSGP) (**BSSGP**, see lines 1-14, col. 5 and element 17, Fig. 3);

a network service control (**Network Service Control**, see lines 1-14, col. 5 and element 40, Fig. 3);

a data link layer (**a link (L2) layer**, see lines 1-14, col. 5 and element 36, Fig. 3); and

a physical link layer (**a physical (L1) layer**, see lines 1-14, col. 5 and element 35, Fig. 3).

Regarding claim 8, Balazinski discloses the method of communicating data as recited in claim 7 further comprising the step of receiving the data packet provided with the protocol data (see lines 22-25, 55-61, col. 2).

Regarding claim 9, Balazinski discloses the method of communicating data as recited in claim 8 further comprising the step of removing the protocol data and associated functions and the LLC and the SNDCP.

Regarding claim 10, Balazinski discloses all the aspects of the claimed invention set forth in the rejection of claim 1 above. Balazinski further discloses the method of communicating data as recited in claim 1, wherein the protocol data and associated functions further comprise:

- a Logical Link Control (LLC) (**LLC**, see lines 1-14, col. 5 and element 18, Fig. 3);
- a Base Station System GPRS Protocol (BSSGP) (**BSSGP**, see lines 1-14, col. 5 and element 17, Fig. 3);
- a network service control (**Network Service Control**, see lines 1-14, col. 5 and element 40, Fig. 3);
- a data link layer (**a link (L2) layer**, see lines 1-14, col. 5 and element 36, Fig. 3); and
- a physical link layer (**a physical (L1) layer**, see lines 1-14, col. 5 and element 35, Fig. 3).

Balazinski does not explicitly show the method of communicating data as recited in claim 1, wherein the protocol data and associated functions further comprise:

- a Sub-network Dependent Convergence Protocol (SNDCP)

However, Forslow discloses a method of communications between the mobile station and the SGSN in which the SGSN comprises a SNDCP layer on top of the LLC layer in the protocol stack as shown in Fig. 3.

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to combine the protocol stack of Balazinski with the protocol stack of Forslow such that the protocol stack of Balazinski will comprise a SNDCP layer lying on top of the LLC layer such as the SNDCP layer taught by Forslow. The motivation to do so is to use SNDCP to map network level protocol characteristics onto the underlying LLC and provides functionalities like multiplexing of network layer messages onto a single virtual logical connection, ciphering, segmentation, and compression.

Regarding claim 11, Balazinski and Forslow disclose all the aspects of the claimed invention set forth in the rejection of claim 10 above. Balazinski further discloses the method of communicating data as recited in claim 10, wherein the SNDCP provides header compression and stripping for the lower layers such as IP (see lines 15-18, page 21).

Regarding claim 12, Balazinski and Forslow disclose all the aspects of the claimed invention set forth in the rejection of claim 10 above. Balazinski further discloses the method of communicating data as recited in claim 10 further comprising the step of receiving the data packet provided with the protocol data (see lines 22-25, 55-61, col. 2).



Regarding claim 13, Balazinski and Forslow disclose all the aspects of the claimed invention set forth in the rejection of claim 10 above. Balazinski further discloses the method of communicating data as recited in claim 12 further comprising the step of:

removing the physical link layer, the data link layer, the IP, the UDP, the network service control and the BSSGP (it is inherent that the de-encapsulation process using the protocol stack of Balazinski upon receiving the data packet would involve removing the header information of each underlying layer in the protocol stack as the data packet propagates up the protocol stack. it is also noted that the protocol stack of SGSN comprises layers in the ascending order of a L1 physical layer, a L2 link layer, an IP layer, an UDP layer, an network service control and a BSSGP).

4. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Balazinski in view of Lager et al. (USP 6,636,502).

Regarding claim 3, Balazinski discloses all the aspects of the claimed invention set forth in the rejection of claim 1 above, except fails to explicitly show the method of communicating as recited in claim 1, wherein the data packet is associated with a Temporary Logical Link Identifier (TLLI) and a Network Service Access Point Identifier (NSAPI).

However, Lager discloses that mobile station sends an activate Packet Data Packet (PDP) context request message, which comprises TLLI and NSAPI, to the SGSN, and the SGSN returns an Activate PDP Context Accept message, which comprises TLLI and NSAPI, to the mobile station (see lines 66-67, col. 6 and lines 32-35, col. 7).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the protocol stack of Balazinski with that of Lager such that data packet of the protocol stack of Balazinski would be associated with TLLI and NSAPI such as the TLLI and NSAPI in the PDP context taught by Lager. The motivation to do so is to for the mobile station to use the TLLI to identify itself to the SGSN and to select a dynamic PDP address by selecting a NSAPI.

5. **Claims 24, 26, 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Balazinski in view of Alles et al. (USP 6,952,728).

Regarding claims 24, 26, 28, Balazinski discloses all the aspects of the claimed invention set forth in the rejection of claims 1, 25, 27 above, except fails to explicitly show the UDP comprises source and destination UDP ports associated with the NS-VC and the IP provides a source and destination IP address associated with the NSE.

However, Alles discloses a data flow processing rule contains a classifier that specifies all the data flows with the source/destination IP addresses and UDP source/destination ports (see col. 11 , lines 17-25).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to combine the protocol stack of Balazinski with the teaching of Alles such that the UDP comprises source and destination UDP ports and IP provides a source and destination IP address. The motivation to do so is to uniquely identify a particular data flow so that a processing rule corresponding to a particular service policy will be generated.

***Response to Arguments***

6. Applicant's arguments filed on 1/12/2006 have been fully considered but they are not persuasive.

Applicant allegedly argued that the Balazinski reference fails to teach or suggest UDP and a UDP port associated with a NS-VC on page 4, line 2 of the Remarks, the examiner respectfully disagrees. Firstly, Balazinski specifically discloses a NS virtual circuit NS-VC is associated with NSE whereas NSEI, which identifies NSE, is associated with a UDP port (col. 4, line 63, col. 5, lines 46-47). Therefore, NS-VC is associated/related with a UDP port via the NSEI. Secondly, Balazinski discloses that SGSN keeps a relationship between NSEI and IP address, and NSEI identifies NSE (col. 4, lines 24-26, col. 7, lines 43-45). As a result, NSE is associated/related with IP address via the NSE.

Applicant further argued the Balazinski reference fails to show of applicant's invention, it is noted that the features upon which applicant relies (i.e., "having multiple NS-VCs per NSE" on page 5, lines 7-10 of the Remarks) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In light of the foregoing, claim 1 stands rejected under 35 U.S.C. 102(e) as being anticipated by Balazinski et al., claims 2, 5-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Balazinski in view of the admitted prior art, Forslow (WO 99/16266), and

claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Balazinski in view of Lager et al. (USP 6,636,502).

*Allowable Subject Matter*

7. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In claim 4, the method of communicating as recited in claim 3 further comprising the step of:

providing a Link Select Parameter (LSP), the BVCI, NSEI and LSP associated with the TLLI and NSAPI, the LSP identifying a Network Service Virtual Link (NS-VL) associated with the NS-VC.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Publication 2002/0032800 A1 to Puuskari et al.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Mew whose telephone number is 703-305-5300. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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